

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS - 6

CIVIL MINUTES - GENERAL

Case No.	SACV14-00592 RT (AN)	Date	April 23, 2014
Title	In the Matter of the Extradition of Douglas Wayne Schneider		

Present: The Honorable Arthur Nakazato, Magistrate Judge

Denise Vo CS 04/23/14

Deputy Clerk **Court Reporter / Recorder**

Atorneys Present for Plaintiffs: _____ Atorneys Present for Defendants: _____

Joshua M. Robbins, AUSA Cuauhtemoc Ortega, DFPD

Proceedings: (In Court) Extradition Hearing [Uncontested]

Case called. Appearances made. Counsel for defendant represents to the Court that the Defendant is willing to consent to the extradition. The Court questions the Defendant and determines the consent is knowing and voluntary. Counsel for the government submits a proposed affidavit of consent to extradition and a certification of extraditability and order of commitment. The Court approves both documents. See attached.

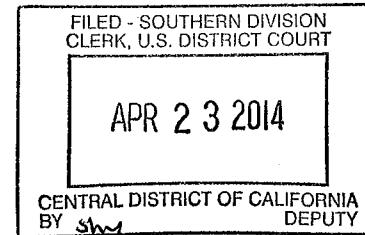
The Court further orders the preparation of a transcript and copy be provided to the Secretary of State pursuant to 18 U.S.C. § 3184. This minute order was reviewed by the Court and it augments the Court's oral comments or rulings made at the hearing. Further, to the extent any of the aforementioned rulings conflict with the Court's oral rulings, this Order shall control.

cc: courtrecording_cacd@cacd.uscourts.gov

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Initials of Preparer dv

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14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA

16 UNITED STATES DISTRICT COURT

17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 IN THE MATTER OF THE
19 EXTRADITION OF
20 DOUGLAS WAYNE SCHNEIDER,
21 A fugitive from the
22 Government of Canada.

23 No. ~~SA 14-89-M~~ SACV14-592 RT(AN)

24 AFFIDAVIT OF CONSENT TO
EXTRADITION

25 [18 U.S.C. § 3184]
26
27
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1 AFFIDAVIT OF CONSENT TO EXTRADITION

2 1. I, Douglas Wayne Schneider, have been fully informed
3 by my attorney, Cuauhtemoc Ortega, with whose services I am
4 satisfied, that I have certain rights pursuant to United States
5 law, including 18 U.S.C. § 3184 et seq., and the extradition
6 treaty in effect between the United States of America and the
7 Government of Canada ("Canada").

8 2. In particular, I understand that Canada has requested
9 my extradition and that under 18 U.S.C. § 3184, I am entitled to
10 a hearing at which certain facts would need to be established,
11 including:

12 a. that currently there is an extradition treaty in
13 force between the United States and Canada;

14 b. that the treaty covers the offenses for which my
15 extradition was requested, namely: 1) Trading in unregistered
16 securities, in violation of Sections 75(1)(a)(ii) and 194 of the
17 Securities Act (Alberta) RSA 2000, C. S-4 as amended
18 ("Securities Act"); (2) Distributing securities without filing
19 and receiving a receipt for a preliminary prospectus and
20 prospectus from the Executive Director of the ASC, in violation
21 of Sections 110 and 194 of the Securities Act; (3) Making a
22 statement that was misleading or untrue, or failing to state a
23 fact necessary to make a statement not misleading, regarding the
24 use of investor funds, in violation of Sections 92(4.1) and 194;
25 and (4) Securities fraud, in contravention of Sections 93 and
26 194 of the Securities Act.

27 c. that I am the person whose extradition is sought
28 by Canada; and

1 d. that probable cause exists to believe that I
2 committed the offense for which extradition was requested.

3 3. I further understand that I cannot be extradited to
4 the requesting state unless and until a court of the United
5 States certifies its finding of extraditability to the Secretary
6 of State and the Secretary of State signs a warrant of
7 surrender.

8 4. In full knowledge of the above, I hereby concede that
9 I am the individual against whom the charges referenced in
10 paragraph 2(b) are pending in Canada and for whom process is
11 outstanding there. In addition, I hereby stipulate that there
12 is probable cause to support my extradition to the requesting
13 state for the charges for which extradition was sought.

14 5. In light of the foregoing, I hereby consent:

15 a. to a certification by the Court of my
16 extraditability without the need for a hearing as contemplated
17 under 18 U.S.C. § 3184;

18 b. to a decision by the Secretary of State
19 authorizing my surrender;

20 c. to be transported in custody to the requesting
21 state as soon as its agents may arrive; and

22 d. to remain in the custody of the United States
23 Marshal pending the arrival of agents of the requesting state.
24 I give this consent voluntarily, knowingly and entirely of my
25 own free will. No representative, official, or officer of the
26 United States or Canada, nor any person whomsoever, has made any
27 //

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1 promise or offered any other form of inducement nor made any
2 threat or exercised any form of intimidation against me.
3

4 Dated this 10 day of
5 MARCH, 2014.

6 
DOUGLAS WAYNE SCHNEIDER

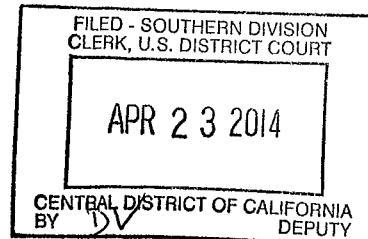
7 
8 CUAUHTEMOC ORTEGA
9 Attorney for DOUGLAS WAYNE SCHNEIDER

10 I hereby certify that on this 23rd day of April
11 2014, DOUGLAS WAYNE SCHNEIDER personally appeared before me and
12 made his oath that the statements herein are true.
13

14 
15 Honorable Robert N. Block Arthur Nakagawa
16 United States Magistrate Judge
Central District of California
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14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA



16 UNITED STATES DISTRICT COURT

17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 IN THE MATTER OF THE
19 EXTRADITION OF

No. SA CV 14-00592-RT (AN)

DOUGLAS WAYNE SCHNEIDER,

[PROPOSED] CERTIFICATE OF
EXTRADITABILITY AND ORDER OF
COMMITMENT

A fugitive from the
Government of Canada.

[18 U.S.C. § 3184]

The Court has received the Complaint for Arrest with a View Towards Extradition filed on February 26, 2014, by United States Attorney's Office for the Central District of California, for and on behalf of the Government of Canada ("Canada"), pursuant to Canada's request for the provisional arrest and extradition of the fugitive, Douglas Wayne Schneider ("Schneider"). The Court has also received an Affidavit of Consent to Extradition ("Affidavit") executed by Schneider and witnessed by his attorney in these proceedings, Cuauhtemoc Ortega.

1 On April 23, 2014, Schneider appeared before the Court in
2 open session, accompanied by his attorney. The Court addressed
3 Schneider and is satisfied that he is aware of his rights as set
4 forth in the Affidavit and that the Affidavit was executed
5 knowingly and voluntarily.

6 Inasmuch as Schneider has conceded that he is extraditable
7 on the charges for which extradition was requested, and has
8 consented to a certification by this Court to that effect, and
9 has further consented to remain in the custody of the United
10 States Marshal pending the arrival of agents from the requesting
11 state to transfer him to the requesting state, the Court finds
12 on the basis of the record herein and the representations of
13 Schneider and counsel that:

14 1. The undersigned judicial officer is authorized under
15 Title 18, United States Code, Section 3184, to conduct an
16 extradition hearing.

17 2. The Court has personal jurisdiction over Schneider and
18 subject matter jurisdiction over the case.

19 3. There is currently in force an extradition treaty
20 between the Government of the United States of America and the
21 Government of Canada, U.S.-Canada, Dec. 3, 1971, 27 U.S.T. 983,
22 TIAS No. 8237 (the "Extradition Treaty"), which was amended in
23 part by the Protocol Amending the Extradition Treaty with Canada
24 of January 11, 1988, which entered into force on November 26,
25 1991 (the "1988 Protocol"); and by the Second Protocol Amending
26 the Extradition Treaty with Canada of January 12, 2001, which
27 entered into force on April 30, 2003 (the "2001 Protocol").

1 4. Schneider has been charged by felony complaint in
2 Alberta, Canada, with the following charges: 1) Trading in
3 unregistered securities, in violation of Sections 75(1)(a)(ii)
4 and 194 of the Securities Act (Alberta) RSA 2000, C. S-4 as
5 amended ("Securities Act"); (2) Distributing securities without
6 filing and receiving a receipt for a preliminary prospectus and
7 prospectus from the Executive Director of the ASC, in violation
8 of Sections 110 and 194 of the Securities Act; (3) Making a
9 statement that was misleading or untrue, or failing to state a
10 fact necessary to make a statement not misleading, regarding the
11 use of investor funds, in violation of Sections 92(4.1) and 194;
12 and (4) Securities fraud, in violation of Sections 93 and 194 of
13 the Securities Act.

14 5. The charged offenses are extraditable offenses under
15 Article 2 of the Extradition Treaty, as replaced by Article I of
16 the 1988 Protocol, which provides that extradition shall be
17 granted for conduct that constitutes an offense punishable by
18 the laws of both Canada and the United States by imprisonment or
19 other form of detention for a term exceeding one year or any
20 greater punishment.

21 6. The requesting state seeks the extradition of
22 Schneider so that he may be held to answer these charges.

23 7. Schneider has stipulated that there is probable cause
24 to believe that he committed the offenses for which extradition
25 is sought.

26 Based on the foregoing findings, the Court concludes that
27 Schneider is extraditable for the offense for which extradition
28

1 was requested, and certifies this finding to the Secretary of
2 State as required under 18 U.S.C. § 3184.

3 IT IS THEREFORE ORDERED that the Clerk of the Court shall
4 deliver to the Assistant United States Attorney a certified copy
5 of this Certification of Extraditability and the executed
6 Affidavit of Consent to Extradition and, further, that the Clerk
7 shall forward for the appropriate disposition certified copies
8 of the same to the following persons: (1) Anna Cavnar, Office
9 of the Assistant Legal Adviser for Law Enforcement and
10 Intelligence, L/LEI, Department of State, 2201 C Street NW,
11 Rm. 5419, Washington, D.C. 20520; and (2) Roman Chaban, Office
12 of International Affairs, 1302 New York Ave. NW, Suite 800,
13 Washington, DC 20530.

14 IT IS FURTHER ORDERED that Schneider be committed to the
15 custody of the United States Marshal pending final disposition
16 of this matter by the Secretary of State and arrival of agents
17 of the requesting state, at which time Schneider, together with
18 any evidence seized incidental to his arrest, will be
19 transferred to the custody of the agents of the requesting state
20 at such time and place as mutually agreed upon by the United
21 States Marshal and the duly authorized representatives of Canada
22 to be transported to that country.

23 SO ORDERED.

24
25 Dated: April 23, 2014


26 Honorable Arthur Nakazato
27 United States Magistrate Judge
28 Central District of California



TERRY NAFISI
District Court Executive and
Clerk of Court

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

April 23, 2014

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(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Secretary of State
U.S. Department of State
Office of the Legal Advisor
L-LEI Rm. 5419A
Washington, D.C. 20520
ATTN: Paralegal Specialist

Re: Case No. SACV14-00592 RT (AN)
U.S.A. v. Douglas Wayne Schneider, Defendant

Dear Sir/Madam:

Enclosed are the following documents, which are being forwarded to you upon completion of extradition proceedings by this Court:

- Certified copy of the extradition order
- Certified copy of waiver of extradition proceedings
- Opinion or Order vacating extradition warrant
- Transcript of Proceedings: enclosed to be sent at a later time will not be prepared
- Copies of exhibits admitted at hearing
- Original (red-ribboned) documents are being retained by the Court. If you are unable to obtain copies of these documents from the Department of Justice, please contact the Deputy Clerk at the above-listed telephone number.
- Copy of extradition order. Original "Entered" order will be sent later with further case documents, if any.
- Other (3) Certified copies of Affidavit of Consent to Extradition; (3) Certified copies of Certificate of Extraditability and Order of Commitment; (3) Copies of the Court's 4/23/14 Civil Minutes

Clerk, U.S. District Court

Dated: April 24, 2014

By S. Ybarra

Deputy Clerk

Western Division
 Southern Division
 Eastern Division

cc: File